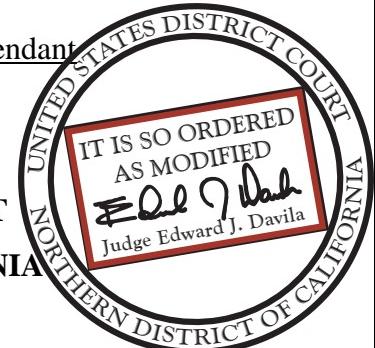


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11          **UNITED STATES DISTRICT COURT**  
12          **NORTHERN DISTRICT OF CALIFORNIA**  
13          **SAN JOSE DIVISION**

14          Counsel for Defendant



15          7/27/2011

16          DONALD CULLEN, on behalf of himself and  
17          all others similarly situated,

18          Plaintiff,

19          v.

20          NETFLIX, INC.,

21          Defendant.

22          Case No.: 5:11-cv-01199 EJD  
23          Action Filed: March 11, 2011

24          [~~PROPOSED~~] ORDER GRANTING  
25          STIPULATION REGARDING  
26          DEFENDANT'S MOTION TO DISMISS  
27          AND PLAINTIFF'S SECOND AMENDED  
28          COMPLAINT

Having considered the July 25, 2011 stipulation between Plaintiff Donald Cullen and Defendant Netflix, Inc., the Court HEREBY ORDERS:

1. Plaintiff shall have until September 5, 2011, to respond to Defendant's Motion to Dismiss either by filing an Opposition or by filing a Second Amended Complaint;
2. If Plaintiff files a Second Amended Complaint, Defendant shall have 30 days to file a responsive motion or pleading (by and including October 5, 2011). If Defendant files a

1 Motion to Dismiss (a Second Amended Complaint), Plaintiff shall have another 30 days to  
2 oppose (by and including November 4, 2011), and Defendant shall have 14 days to reply (by and  
3 including November 18, 2011), with a hearing on the matter to be held 14 days thereafter  
4 set for hearing on **December 2, 2011 at 9:00 a.m.**

5       3. If Plaintiff files an Opposition to Defendant's current Motion to Dismiss (the First  
6 Amended Complaint) (Dkt. 22), Netflix shall have two weeks to reply (by and including  
7 September 19, 2011), with a hearing on the matter to be held 14 days thereafter set for  
8 hearing on **October 7, 2011 at 9:00 a.m.**

9       4. Plaintiff and Defendant agree to take the currently scheduled August 19, 2011,  
10 hearing off calendar, to be rescheduled according to Plaintiff's September 5, 2011 filing.

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13 DATED: July 27, 2011



The Honorable Edward J. Davila  
United States District Court Judge

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